

**TOWN COUNCIL
REGULAR MEETING
MARCH 4, 2009**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:01 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Luis, and Councilmembers Crowley, Hubert and Starkey (departed at 8:12 p.m.). Also present were Town Administrator Shimun, Town Attorney Rayson, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Michael thanked Mayor Truex for being a good role model for kids, and for supporting sports programs. He stated his support for Mayor Truex's reelection.

Holly Svekis remarked that field rental and lining fees in Davie parks were cost-prohibitive. She said they preferred to hold events at Bamford Park, but wanted the rates to be competitive with other Broward County area parks. Councilmember Starkey and Mayor Truex advised Ms. Svekis to meet with staff to discuss options.

Olivia Hill, Renee Difede, Anthony Difede and Tony Difede all stated their support for Mayor Truex's reelection.

Caryl Casey-Hatten thanked staff and Special Projects Director Bonnie Stafiej for their efforts on the Orange Blossom Festival.

Michael Bartlett thanked Council for their support of the press box at Bamford Park. He stated that the Davie Sports Political Action Committee supported Mayor Truex for reelection.

Nick Matzirakis thanked the Town for offering the Town of Davie Youth Athletic programs. He supported Mayor Truex for reelection.

Arthur Joseph sang a song that indicated his support for Judy Paul for Mayor.

Ellen Christopher presented a letter from the kids in her neighborhood seeking Council's support for creating a skateboard park in an unused roller hockey rink. She noted that Council had recently approved \$275,730 from open space bond funds to erect a metal building in the Bergeron Rodeo Grounds. Ms. Christopher had read minutes from the Parks and Recreation Advisory Board's December 2008 meeting during which the Board had considered converting two of the hockey rinks to be suitable for use by the soccer program. She recommended converting one of the rinks into a skate park.

Mayor Truex was aware of a group of skaters who were preparing a petition and indicated that he would put Ms. Christopher in touch with them. He advised her to contact the Parks and Recreation Advisory Board as well.

Jorge Egues stated his support for Mayor Truex for reelection.

Steve Bachan said that Davie Tackle Football Club and Davie Lacrosse League supported Mayor Truex for reelection.

Howard Cohn thanked Council for supporting the press box at Bamford Park, and stated his support for Mayor Truex's reelection.

Chris Kaderabek, owner of 4J Automotive on University Drive, asked Council to consider allowing him to park his vehicles in front of his business, noting this was his only source of advertising. Councilmember Crowley agreed to meet with Mr. Kaderabek and asked staff to investigate the possibility of a special permit or variance to accommodate his business.

Donna Evans thanked Council for their support of the sports programs and mentioned programs that served kids on the east side of Town. She stated her support for Judy Paul for Mayor.

Veronica Maseth thanked Council for arranging the meeting for 41st Place residents regarding the sewer project. Redevelopment Administrator Will Allen explained that Interim Housing Director

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Giovanni Moss had sent a letter to HUD discussing making this an area-wide project “that everybody would get funded.” He said they were awaiting a response from HUD.

Bill Leibowitz, Chair of the Playland Village Community Association, asked the Town to address the litter problem along Davie Road and on foreclosed properties.

Mitchell Chester thanked Council and staff for their activism on behalf of Palma Nova residents. He asked Council to remember the need for affordable housing that they had discussed months earlier. Mr. Chester urged Council to consider the recommendations that had been made and to implement some over the course of the coming year. He asked Council to create a resolution to the Florida Supreme Court asking for mediation in foreclosure cases statewide.

Judy Paul, mayoral candidate, thanked the Town for the Orange Blossom Festival. She thanked the Davie Merchants and Industrial Association for allowing Mayor Truex and herself to speak at their last meeting. Ms. Paul regretted the fact that the Chamber of Commerce had not hosted a candidates’ debate.

Richard Herman thanked Council for the sports program at Bamford Park.

Doug Notman said that staff had done a “masterful job of balancing the competing interests” of all of the coaches at Bamford Park. He stated his support for Mayor Truex’s reelection.

James Labbe asked Council to consider a leniency program for disabled residents, similar to those offered by the phone company and FPL, for water bills that were in arrears. Mayor Truex advised Mr. Labbe to contact Hope Outreach. If they could not help, he invited Mr. Labbe to phone him at Town Hall.

Another representative from 4J Automotive on University Drive pointed out that theirs was a niche business that worked on Jeeps only. He thanked Council for their help.

Fernice Stevens said she was disappointed that the mayoral campaign had turned negative. Mayor Truex said he was not involved with the ad to which Ms. Stevens referred, and he did not know who was responsible for it.

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1 January 7, 2009 (Workshop Meeting)
- 4.2 February 4, 2009 (Workshop Meeting)
- 4.3 February 4, 2009 (Regular Meeting)

Proclamations

- 4.4 National Purchasing Month (March 2009)
- 4.5 Water Conservation Month (April 2009)

Resolutions

4.6 **WITHDRAWN BY STAFF**

BUDGET AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING STAFF TO AMEND THE 2009 C.I.P. BUDGET FOR THE REPLACEMENT OF WINDOWS AT THE OLD DAVIE SCHOOL. (not budgeted - \$120,000) (tabled from February 18, 2009)

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- 4.7
R-2009-57 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROVAL OF A REQUEST FOR MITIGATION OF CODE COMPLIANCE LIEN IN CASE NO. 06-293 FROM \$24,750.00 IN AMOUNT TO \$5,837.23; AND PROVIDING AN EFFECTIVE DATE. (tabled from February 18, 2009)
- 4.8
R-2009-58 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF \$31,576 FROM THE DISTRICT TWO GENERAL OBLIGATION PARKS OPEN SPACE BONDS FOR FEASIBILITY PLANNING AND CONCEPTUAL DESIGN PREPARATION FOR THE OLD DAVIE SCHOOL ADDITION SITE.
- 4.9
R-2009-59 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF \$19,073 FROM THE DISTRICT THREE GENERAL OBLIGATION PARKS OPEN SPACE BONDS FOR THE PREPARATION OF BID DOCUMENTS AND CONSTRUCTION ASSISTANCE FOR THE DEVELOPMENT OF A PARK AT THE DEVINE PARCEL. (not budgeted)
- 4.10
R-2009-60 **TOWN SERVICES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF DAVIE AND ANY MUNICIPALITY LOCATED IN BROWARD COUNTY FOR INSPECTION, PLAN REVIEW, BUILDING OFFICIAL AND RELATED SERVICES TO BE PERFORMED BY THE TOWN OF DAVIE LICENSES AND INSPECTION REVIEW DIVISION OF THE FIRE DEPARTMENT.
- 4.11
R-2009-61 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA RATIFYING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE DAVIE PROFESSIONAL FIREFIGHTERS, IAFF, LOCAL 2315; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.12
R-2009-62 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE FIRM OF MBIA MUNICIPAL INVESTORS SERVICE CORPORATION TO PROVIDE INVESTMENT ADVISORY SERVICES AND TO EXECUTE A CONTRACT FOR CUSTODIAN SERVICES BROUGHT FORWARD BY MBIA. (\$28,000)
- 4.13
R-2009-63 **PLAT AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE NON-VEHICULAR ACCESS LINE (NVAL) AND CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS "BAER'S FURNITURE COMPANY PLAT," AND PROVIDING AN EFFECTIVE DATE. (DG 3-1-08, Baer's Furniture, 4690 South University Drive)

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Quasi-Judicial Consent Agenda

4.14 SPM 9-2-08, Animal Recreation & Rehabilitation Center, 2670 South Flamingo Road (AG)

Mayor Truex pulled items 4.4, 4.5 and 4.11 from the Consent Agenda. Councilmember Crowley pulled item 4.6. Councilmember Starkey pulled item 4.3. Vice-Mayor Luis pulled items 4.7 and 4.10.

Vice-Mayor Luis made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda, less items 4.3, 4.4, 4.5, 4.6, 4.7, 4.10, 4.11. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey asked to discuss items 4.3 and 4.11 first, after which she would need to leave the meeting to attend to her daughter who was ill.

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.3 Councilmember Starkey noted that on page 23, under item 9.1, paragraph 1, she wanted her comment to read, "Councilmember Starkey would prefer if the pathway went into the park instead of on the side of the canal, citing safety issues for all users."

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve with that correction. In a voice vote, all voted in favor. (Motion carried 5-0)

4.11 Mayor Truex said that he had believed for some time that contracts the Town had with some employees were not sustainable for the long term. He noted that many private companies that offered these types of benefits had either gone bankrupt or were requesting government bailouts. Mayor Truex said that this contract negotiation was different from many others and lacked acrimony and "theater." He stated that he would vote for this contract because he believed it represented "a fundamental shift in the relationship that we have between employees and management...on both sides there was a sincere effort to work together..."

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve.

Mr. Shimun thanked the fire union representatives for being realistic and open about the agreement. Vice-Mayor Luis felt these negotiations were a step forward, and complemented the union, Mr. Shimun and staff. Councilmember Starkey thanked the Fire union and staff for their reasonable negotiations.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Councilmember Starkey asked to be excused from the remainder of the meeting.

Council excused Councilmember Starkey from the remainder of the meeting and she left at 8:12 p.m.

4.4 Councilmember Crowley made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Councilmember Starkey absent, all voted in favor. (Motion carried 4-0)

Mayor Truex signed the National Purchasing Month proclamation and Vice-Mayor Luis read it.

4.5 Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, with Councilmember Starkey absent, all voted in favor. (Motion carried 4-0)

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Mayor Truex read the Water Conservation Month proclamation.

4.7 Vice-Mayor Luis asked staff to explain the actual costs to the Town. Code Compliance Official Danny Stallone explained that staff was using a new formula, and the “mitigation base fee” was the basic cost, which in this case was approximately \$1,000. The total fines were approximately \$25,000 and the mitigation guideline amount was approximately \$6,000.

Vice-Mayor Luis made a motion, seconded by Councilmember Hubert to approve. Councilmember Crowley wanted to reconsider this because of the toll this property’s condition had taken on the neighborhood. In a voice vote, with Councilmember Starkey absent and Councilmember Crowley dissenting, all voted in favor. (Motion carried 3-1)

4.6 Councilmember Crowley was disappointed that the Community Redevelopment Agency (CRA) intended to loan the Town money as he felt the CRA should be a full partner.

Mayor Truex said that he was not in favor of borrowing money from the CRA.

Councilmember Hubert felt the Town should not need to borrow money from the CRA and stated that “they should give it willingly since we signed for their bonds.”

Councilmember Crowley requested a verbatim transcription of the discussion of this item.

Mayor Truex recommended they use Community Endowment funds and acknowledged that they could revisit this with the CRA at a later date.

Mr. Diez confirmed that the project should be out to bid soon and identifying the source of funds would not delay it. Mr. Shimun advised Council to accept the loan, since it was at 0% interest and they would have five years to determine what would be done.

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, to accept the CRA’s proposal for the loan, and they would discuss it further when the CRA came back with the loan agreement. In a voice vote, with Councilmember Starkey absent, all voted in favor. (Motion carried 4-0)

4.10 Vice-Mayor Luis felt this was a great idea, but wanted to make sure that charging \$65 per hour for an inspector’s services would not cost the Town money. Mr. Shimun confirmed that the fee had been designed to cover the Town’s costs.

Vice-Mayor Luis made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, with Councilmember Starkey absent, all voted in favor. (Motion carried 4-0)

6. PUBLIC HEARING

Ordinance - Second and Final Reading

6.1 **AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2009-10 **AUTHORIZING AN AMENDMENT TO THE ESTIMATED REVENUES AND**
APPROPRIATIONS FOR FISCAL YEAR 2009. {Approved on first reading
February 18, 2009. All voted in favor with Councilmember Hubert being absent.}

Mr. Rayson read the ordinance by title. Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Councilmember Hubert made a motion, seconded by Vice-Mayor Luis, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - absent. (Motion carried 4-0)

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7. APPOINTMENTS

7.1 Mayor Truex

- 7.1.1 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2010) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

Mayor Truex appointed Heidi Davis.

7.2 Vice-Mayor Luis

- 7.2.1 Budget Advisory Committee (one exclusive appointment - term expires April 2010) (members shall have experience in a financial related occupation, or similar skills)

No appointment was made.

- 7.2.2 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2010) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Vice-Mayor Luis appointed Lou Carmen.

- 7.2.3 Open Space Advisory Committee Agency (one exclusive appointment - term expires April 2010)

No appointment was made.

7.3 Councilmember Starkey

- 7.3.1 Open Space Advisory Committee Agency (one exclusive appointment - term expires April 2010)

No appointment was made.

- 7.3.2 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2010) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

- 7.4 Unsafe Structures Board (one non-exclusive appointment; term expires April 2009) (appointment shall be a plumbing contractor - member shall be a permanent resident or have their principal place of business within the Town's jurisdiction)

No appointment was made.

8. OLD BUSINESS

There was no old business to be discussed.

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9. NEW BUSINESS

There was no new business to be discussed.

10. SCHEDULE OF NEXT MEETING

10.1 Impact Fee Workshop - April 1, 2009 at 5:30 p.m.

Mr. Rayson requested a 30-minute Executive Session. After some discussion, Mayor Truex announced that the Impact Fee workshop would be held at 5:30 p.m. and the Executive Session at 6:30 p.m. Mr. Rayson said that the purpose of the meeting was to seek litigation advice on Club Eden and Wal-Mart. He advised that those in attendance would be special counsel Michael Burke, Council, Mr. Shimun, himself and a court reporter.

11. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER HUBERT

THANKS. Councilmember Hubert reminded Council that this would be her last full Council meeting. She thanked Council for appointing her and said that it had been a pleasure.

COUNCILMEMBER CROWLEY

THANKS TO LIEUTENANT WAYNE BOULIER. Councilmember Crowley thanked Lieutenant Wayne Boulier for his 25 years of service to the Town, and wished him well in his retirement.

ST. DAVID'S CARNIVAL. Councilmember Crowley reminded everyone that St. David's Carnival would take place March 12th-15th.

ARROWHEAD GOLF COURSE. Councilmember Crowley announced that on March 16th, FDOT would hold a meeting regarding the Arrowhead Golf Course at the Arrowhead Country Club from 2:00 p.m. to 8:00 p.m.

VICE-MAYOR LUIS

OAK HOLLOW TRAILS. Vice-Mayor Luis advised that he had received an email regarding one of the Oak Hollow trails. He indicated that there had been complaints for some time regarding large rocks left by the contractor. Vice-Mayor Luis stated that Mr. Shimun agreed to investigate ways to resolve this issue.

ATV NUISANCE. Vice-Mayor Luis said that he had received complaints from Oak Hill residents regarding ATVs. Police Chief Patrick Lynn stated that if there was a particular time the ATV's were in the area, he would send officers out at the time the problems were reported.

MAYOR TRUEX

PALMA NOVA SAFETY LETTER. Mayor Truex stated that he had received a copy of a letter regarding safety concerns at Palma Nova and asked about security at the park. Chief Lynn explained that the Police Department had assigned officers in Palma Nova. The park had also hired detail officers for the weekends for 24-hour coverage, but this had ended as of March 1st.

12. TOWN ADMINISTRATOR'S COMMENTS

No comments were made.

13. TOWN ATTORNEY'S COMMENTS

Mr. Rayson reported he was working with the Town engineer regarding the rock problem on the rail in Oak Hollow.

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14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 8:47 p.m.

Approved_____

Mayor/Councilmember

Town Clerk